

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Eastern District of Arkansas on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 4:12-cv-00536-SWW	DATE FILED 8/23/2012	U.S. DISTRICT COURT Eastern District of Arkansas
PLAINTIFF P.S. Products Inc. and Billy Pennington		DEFENDANT SDC Self Defense Corp.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US D561, 294S	2/5/2008	P.S. Products Inc. and Billy Pennington
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK James W. McCormack	(BY) DEPUTY CLERK /s/Tammy Downs	DATE 8/27/2012
-----------------------------	-------------------------------------	-------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

AUG 23 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

JAMES W. McCORMACK, CLERK
By [Signature] DEP. CLERK

**P. S. PRODUCTS, INC.,
BILLY PENNINGTON, Individually**

PLAINTIFFS

v.

No. CV-2012-

4:12-cv-536 SWW

SDC SELF DEFENSE CORP

DEFENDANT

This case assigned to District Judge Night
Hearney

COMPLAINT and to Magistrate Judge

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW the Plaintiff, P.S. Products, Inc., and Mr. Billy Pennington, individually, hereafter "Plaintiffs," by and through its attorney, Chris H. Stewart of the Stewart Law Firm, files this Complaint against Defendant, SDC Self Defense Corp hereafter "Defendant," states:

JURISDICTION AND VENUE

1. This Court retains jurisdiction as patent infringement raises a federal question and is proper under 28 U.S.C. § 1331.
2. Pursuant to 28 U.S.C. § 1391, venue in this suit lies in the Eastern District of Arkansas because the actions which gave rise to the claims presented in this complaint occurred in Little Rock, Arkansas, within the Eastern District of Arkansas.
3. Additionally, the Eastern District of Arkansas has personal jurisdiction of the Defendants. Defendants have maintained substantial, continuous and systematic contacts with the state of Arkansas through its business dealings with customers. Defendant marketed its services and provided customer services to the state of Arkansas. See Ark. Code Ann. § 16-4-

A TRUE COPY I CERTIFY
JAMES W. McCORMACK, CLERK

By [Signature] D.C.

101 (1987); Ultimatics, Inc. v. Minimatic, Inc., 715 F. Supp. 1448 (E.D. Ark. 1989); and Ferrell v. W. Bend Mut. Ins. Co., 393 F.3d 786 (8th Cir. 2005).

4. Additionally, The Eastern District of California has personal jurisdiction of the Defendants because, among other things, Defendants are engaged in tortuous conduct within the state of Arkansas and in this District, including placing into commerce illegal copies of Plaintiffs' patented products via www.selfdensecorp.com and inducing third-parties to infringe upon the Plaintiffs' patented products.

**PARTIES RELEVANT TO
PLAINTIFFS' COMPLAINT FOR PATENT INFRINGEMENT**

5. This action is brought by P.S. Products, Inc., and its president, Mr. Billy Pennington, manufacturers of stun guns and other personal security devices, organized within the state of Arkansas with its principal headquarters at 3120 Joshua Street, Little Rock, AR 72204.

6. The Defendant is a manufacture and importer of goods from China and sells the goods as retail and wholesale nationwide. The Defendant is a corporation organized and existing in the state of Florida with business activities throughout the United States, on the World Wide Web and specifically in the state of Arkansas. The Defendant is headquartered at 5531 Hampton Woods Way, Tallahassee, FL 32311.

**FACTS APPLICABLE TO CLAIMS IN
PLAINTIFFS' COMPLAINT FOR PATENT INFRINGEMENT**

7. The Plaintiffs specialize in the manufacture and distribution of stun guns, stun devices, gun cleaning kits, and other personal protection devices.

8. The Plaintiffs market and sale its patented products through trade specialty shows, sales associates, retail stores, catalogs and through internet distribution throughout the United States.

9. The Defendant is a manufacturer and importer of goods from China and sells the goods as retail and wholesale nationwide.

10. The Defendants own and operate the website www.selfdefensecorp.com.

11. On February 5, 2008, United States Letters Patent No. US D561, 294 S, were issued to the Plaintiffs for an invention for a Stun Gun.

12. The Plaintiffs owed the patent No. US D561, 294 S throughout the period of the Defendants infringing acts and still owns the patent.

13. The Plaintiffs' products are one of a kind.

14. The Plaintiffs' designs are its own intellectual property. No goods of this design existed prior to the Plaintiffs' designs and patents.

15. The Plaintiffs are the only holder of patents on products of this kind in the United States.

16. The Blast Knuckle Stun Gun is the Plaintiffs most sought after and sold product.

17. The Plaintiffs makes most of its revenue off of the patented Blast Knuckle® stun gun than any other item it sells.

18. The Plaintiffs have complied with the statutory requirement of placing a notice of the Letters of Patent on all Stun Guns.

19. On information and belief the Plaintiffs learned that the Defendant is selling an illegal copy of the Plaintiffs' product.

20. The Defendant currently sells the illegal products on its websites and catalogs.

21. The Defendant has sold and continues to sell on their websites illegal copies of the Plaintiffs' patents and contributes to third parties selling illegal copies of the Plaintiffs' patents on its websites.

22. 35 U.S.C. § 271 states in part,

“(a) Except as otherwise provided in this title [35 USCS §§ 1 et seq.], whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefore, infringes the patent. (b) Whoever actively induces infringement of a patent shall be liable as an infringer.”

23. The Defendant’s actions have violated 35 U.S.C. § 271.

24. The Defendant, intentionally, willfully, and wantonly violated 35 U.S.C. § 271.

25. The Defendant without authority placed in the stream of commerce and offered to sell, the Plaintiffs’ patented inventions, within the United States.

26. The Defendant without a license from the Plaintiffs placed in the stream of commerce and offered to sell, the Plaintiffs’ patented inventions, within the United States.

27. The Defendant has induced individuals and companies to infringe on the Plaintiffs’ patented products.

28. A person with an internet connection may find the Defendant’s illegal product on the websites, www.selfdefensecorp.com.

29. The Defendant’s product ID for the illegal product is “Little Demon Knuckle Blaster, Code KB-7000”

30. The Defendant directly infringed on the Plaintiffs’ patents by placing illegal products on websites it operates.

31. The Plaintiff has suffered loss of reasonable royalties and loss of profits by the Defendant’s actions.

32. The Defendant has infringed and is still infringing the Letters of Patents Nos. US D561, 294 S by selling the Stun Guns that embody the patented invention and the Defendants will continue to do so unless enjoined by this Court.

33. The Plaintiffs have complied with the statutory requirements of placing notice and mailing notice of the Letters of Patent on all Stun Guns it manufactures and sells, and has given the Defendants written notice of the infringement.

COUNT I
PATENT INFRINGEMENT

34. Plaintiffs incorporate by reference each and every averment contained in paragraphs 1 through 40 of the Plaintiffs' Complaint, inclusive.

35. The Plaintiffs are the owners of patent No. US D561, 294 S.

36. Defendant directly infringed upon the rights of the Plaintiffs' patent No. US D561, 294 S.

37. Defendant directly infringed on the Plaintiffs' patented stun gun No. US D561, 294 S by placing in the stream of commerce an illegal copy of the Plaintiffs' patented stun gun No. US D561, 294 S, entitled "*Little Demon Knuckle Blaster*," on the website www.selfdefensecorp.com which the Defendant own and operate.

38. Each such infringement by Defendant constitutes a separate and distinct act of infringement. Defendant's acts of infringement are willful, in disregard of and with indifference to the rights of the Plaintiffs.

39. As a direct and proximate cause of the infringement by Defendant, the Plaintiffs are entitled to reasonable royalties that may be proper under 35 U.S.C. § 284 in amounts to be proven at trial, lost profits in amounts to be proven at trial, enhanced damages as may be proper under 35 U.S.C. § 284 and a reasonable attorney's fee pursuant to 35 U.S.C. § 285.

COUNT II
PATENT INFRINGEMENT

40. Plaintiffs incorporate by reference each and every averment contained in paragraphs 1 through 52 of the Plaintiffs' Complaint, inclusive.

41. The Plaintiffs are the owners of patent No. US D561, 294 S.

42. Defendant directly infringed upon the rights of the Plaintiffs' patent No. US D561, 294 S.

43. Defendant directly infringed on the Plaintiffs' patented stun gun No. US D561, 294 S by placing in the stream of commerce an illegal copy of the Plaintiffs' patented stun gun No. US D561, 294 S, entitled "*Little Demon Knuckle Blaster*."

44. Each such infringement by Defendant constitutes a separate and distinct act of infringement. Defendant's acts of infringement are willful, in disregard of and with indifference to the rights of the Plaintiffs.

45. As a direct and proximate cause of the infringement by Defendant, the Plaintiffs are entitled to reasonable royalties that may be proper under 35 U.S.C. § 284 in amounts to be proven at trial, lost profits in amounts to be proven at trial, enhanced damages as may be proper under 35 U.S.C. § 284 and a reasonable attorney's fee pursuant to 35 U.S.C. § 285.

Therefore, the Plaintiffs demand:

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them jointly and severally, as follows:

A. Judgment against the Defendants declaring that the Defendants' actions directly infringe on the Defendants' patents Nos. US D561, 294 S;

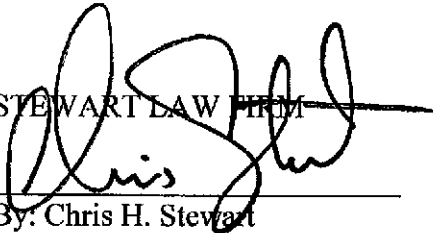
- B. Defendants' reasonable royalties that may be proper under 35 U.S.C. § 284 in amounts to be proven at trial;
- C. Defendants' lost profits with respect to each patent infringement in amounts to be proven at trial;
- D. Enhanced damages that may be proper under 35 U.S.C. § 284 with respect to each patent infringement for the Counter-Defendant's willful infringement;
- E. A declaration that the Plaintiffs' case against the Defendants is an exceptional case pursuant to 35 U.S.C. § 285 and therefore subject to attorneys' fees;
- F. An award of costs and attorneys' fee to the Defendants; and,
- G. Such other relief as the Court deems just and reasonable.

DEMAND FOR A JURY TRIAL

Plaintiffs demand a trial by jury as to all claims averred herein that are triable by jury.

Dated: August 23, 2012

STEWART LAW FIRM


By: Chris H. Stewart
Ark. Bar No. 03-222
Attorney for Plaintiff
904 Garland Street
Little Rock, AR 72201
Phone: 501-353-1364
Fax: 501-353-1263
Email: arklaw@comcast.net

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

P.S. Products, Inc., and Billy Pennington

(b) County of Residence of First Listed Plaintiff Pulaski
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Stewart Law Firm, 904 Garland St., LR, AR 72201

DEFENDANTS

SDC Self Defense Corp

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 U.S.C. § 271
Brief description of cause:
Patent Infringement**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**U.S. District Court
Eastern District of Arkansas (Little Rock)
CIVIL DOCKET FOR CASE #: 4:12-cv-00536-SWW
Internal Use Only**

P S Products Inc et al v. SDC Self Defense Corp
Assigned to: Judge Susan Webber Wright
Cause: 35:271 Patent Infringement

Date Filed: 08/23/2012
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**P S Products Inc**

represented by **Chris H. Stewart**
Stewart Law Firm
904 Garland Street
Little Rock, AR 72201
501-353-1364
Fax: 501-353-1263
Email: arklaw@comcast.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Billy Pennington
Individually

represented by **Chris H. Stewart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**SDC Self Defense Corp**

Date Filed	#	Docket Text
08/23/2012	<u>1</u>	COMPLAINT with Jury Demand against SDC Self Defense Corp, filed by P S Products Inc, Billy Pennington. Filing fee of \$ 350.00 paid; receipt #LIT035565; summons issued and returned to counsel. (Attachments: # <u>1</u> Civil Cover Sheet)(kdr) (Entered: 08/24/2012)

A TRUE COPY I CERTIFY
JAMES W. McCORMACK, CLERK

By J. Owens D.C.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
OFFICE OF THE CLERK
600 WEST CAPITOL AVENUE
Room A149
LITTLE ROCK, ARKANSAS 72201**

**JAMES W. McCORMACK
CLERK**

**PHONE 501-604-5351
FAX 501-604-5321**

August 27, 2012

Director
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

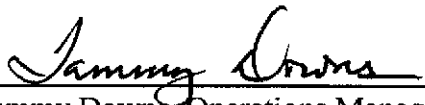
Re: 4:12-cv-00536-SWW, P.S. Products Inc., et al. V. SDC Self Defense

Dear Sir:

Enclosed is Form AO-120 *Report on the Filing or Determination of an Action Regarding a Patent or Trademark* (copy 1), the complaint, and the docket sheet regarding the above-styled case. If you have any questions regarding these enclosures, please call me. Thank you.

Sincerely,

JAMES W. McCORMACK, CLERK

By: 
Tammy Downs, Operations Manager

Enclosures

cc: James McCormack, Clerk of Court